THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 15737 of 2007

Date:24-07-2007

Between:

Yelamala Rajana **.. PETITIONER**

AND

The Project Officer, ITDA, Utnoor, Dist.Adilabad. and two others **..**

RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to direct the respondents and their subordinates not to dispossess the petitioner from the land admeasuring Ac.01.11 guntas situated at Utnoor village and mandal, Adilabad District without issuing any notice and without any enquiry, as illegal and arbitrary.

It is the case of the petitioner that after evicting the non-triabal viz. China Reddy son of Chenna Reddy, he was permitted to cultivate the land in an extent of Ac.01.11 guntas in Sy.No.374 situated at Utnoor village and mandal, Adilabad District and he has been paying the revenue cist and cultivating the same. While so, the son of Chinna Reddy viz. Srinivas Reddy came to the spot and started interfering with the peaceful possession and cultivation of the petitioner on the ground that the eviction order passed against China Reddy was quashed by this Court in W.P.No.7174 of 1986, dated 22.09.1989. It is stated that the petitioner is not a party to the said proceedings and therefore, he cannot be dispossessed.

I am of the opinion that when the eviction order has been set aside by this Court, ultimately it is the duty of the authorities to put the original owner/claimant in possession. But, however, it is stated that the petitioner made a representation, dated 18.07.2007 before the first respondent.

Having regard to the facts and circumstances of the case, the first respondent is directed to consider and dispose of the representation, dated 18.07.2007, if any, of the petitioner which was pending for assignment of some land in the tribal area.

With the above observation, the writ petition is disposed of. No costs.

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V.ESWARAIAH, J.

Date:24.07.2007
ccm